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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,690	04/21/1999	JEROME A MOUTON JR.	081862.P122	7482

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 03/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/295,690

Applicant(s)

Mouton et al.

Examiner

Jean B Fleurantin

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2172

DETAILED ACTION

Response to Amendment

1. Claims 13-17 are added.
Claims 1-17 are remained for examination.
2. Applicant's arguments submitted on 01/09/2002 with respect to claims 1-17 have been fully considered but are they not persuasive. And, the limitations of newly added claims 13-17 are discussed in the following rejection.

Response to Applicant' Remarks

3. On page 7, Applicant stated that Flynn does not disclose 'repeatedly generating a revised update message having a next most recent version format based on the message until a final update message having an upgraded version format is generated'. However, Examiner disagrees because Flynn includes the step of the latest versions of each one of the plurality of information objects and each one of the plurality of index entries in the index the latest version refers to a version of an information object that reflects the most recent state of an information object, any version that is prior that to the latest version is maintained by recording only the portions of the prior version which represent the differences between it and the latest version the changes are encoded representations of the delta changes that are used to generate an older version change of an information object or index from the latest version; which is readable as repeatedly generating a revised update message having a next most recent version format based on the message until a final update message having an upgraded version format is generated (see cols. 4-5, lines 50-5).

Art Unit: 2172

Thus, it would have been obvious to a person of ordinary in the art at time the invention was made to modify the teachings of Flynn with the step of repeatedly generating a revised update message having a next most recent version format based on the update message until a final update message having an upgraded version format is generated. This modification would allow the teachings of Flynn to improve the accuracy and the reliability of the method and apparatus for upgrading a database in a redundant environment by release chaining.

In response to applicant's argument on page 7 that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification.

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility

Art Unit: 2172

that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn, Rex A. et al. (Publication number 0 520 459 A2) ("Flynn").

As per claims 1, 5, and 9 Flynn substantially teaches a method of updating a message from a first version to an upgraded version by chaining through intermediate versions as claimed, comprises receiving an update message having a first version format (thus, earlier versions of index entries indicate changes that were made to the set of first identification tags, which is readable as receiving an update message having a first version format) (see col. 6, lines 3-5). But, Flynn does not explicitly indicate the step of repeatedly generating a revised update message having a next most recent version format based on the update message until a final update message having an upgraded version format is generated. However, Flynn implicitly indicates step of the set of all first identification tags for information objects which had the descriptor assigned to them during indexing is logically stored with that index entry, this set of first identification tags is versioned, the latest version is stored completely as a set of first

Art Unit: 2172

identification tags; which is readable as repeatedly generating a revised update message having a next most recent version format based on the update message until a final update message having an upgraded version format is generated (see cols. 1 and 2, lines 56-58 and 1-3). Also, in columns 4 and 15; lines 1 through 5; and 42 through 49, Flynn teaches the step of the delta changes are encoded representations of the changes that are used to generate an older version of an information object or index entry from the latest version; and teaches the prior field/value pair is moved from the latest version of the object to the prior version, the object id is then removed from the latest version of the set index entries for the modified field/value pair was removed. Further, Flynn teaches another approach is to store the version together in which case versions after the original information object may only need to be represented by their differences from the previous version. Thus, it would have been obvious to a person of ordinary in the art at time the invention was made to modify the teachings of Flynn with the step of repeatedly generating a revised update message having a next most recent version format based on the update message until a final update message having an upgraded version format is generated. This modification would allow the teachings of Flynn to provide a user with an historical perspective into database of information objects through an efficient method and apparatus for versioning information objects stored in a database as well as an index representative of the information objects (see col. 3, lines 32-37).

Art Unit: 2172

As per claims 2, 6, 10, and 15, in addition to the discussion in claim 1 above, Flynn further teaches calling a next most recent version mapping function to map contents of the first update message to generate a second update message (thus, the latest versions of each one of the information objects and each one of the entries in the index are maintained in the database, partial versions of each one of the information objects and each one of the index entries are stored with the latest versions, the partial versions contain only sufficient information about the differences between the earlier versions and the later ones so that any early version may be reconstructed, which is readable as calling a next most recent version mapping function to map contents of the first update message to generate a second update message) (see abstract, lines 6-14).

As per claims 3, 7, 11, and 16 Flynn substantially teaches a method as claimed, wherein the update message includes a set of records for a database in the first version (thus, the changes are stored as incremental backup changes to the information objects and index entries for each time the objects or index entries were changed, which is readable as wherein the update message includes a set of records for a database in the first version) (see col. 4, lines 34-37).

As per claims 4, 8, 12, and 17 Flynn substantially teaches a method as claimed, wherein the set of records for the database in the first version is a complete set of records for the database (thus, a database of information objects is maintained on the disk drive or some other storage medium in the computer system, achieves versioning by maintaining complete latest versions of each one of the plurality of information objects and each one of the plurality of index entries in

Art Unit: 2172

the index, the latest version refers to a version of an information object that reflects the most recent state of an information object; which is readable as wherein the set of records for the database in the first version is a complete set of records for the database) (see col. 3, lines 43-55). Also in column 4, lines 34 through 37, Flynn teaches the step of the changes are stored as incremental backup changes to the information objects and index entries for each time the objects or index entries were changed.

As per claim 13, in addition the discussion in claim 1 above, Flynn teaches a network switching device to receive an update message having a first version format (thus, after the second object 72 has been modified at time 12 indicated by the value stored in the latest version field 64 the value in the title field 68 of the object 72 has been modified from distributed systems to networked systems a new version of the object 72 referred to as the latest version is created to reflect this change, the entire contents of the object 72 is copied to the latest version the previous entry in the title field 68 distributed systems is then moved to a title 82 of a prior version of the object 72 which is designated by reference numeral 80 the new entry is placed into the title field 68; which is readable as a network switching device to receive an update message having a first version format) (see cols. 11-12, lines 46-2).

As per claim 14, the limitations of claim 14 are rejected in the analysis of claim 1 above, and this claim is rejected on that basis.

Art Unit: 2172

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Southgate US Patent Number 6,205,579 relates to a method for providing software technical support, and provides a method by which software upgrades and fixes for software bugs may be incorporated into a customer's software from the remote location. Nakagawa et al. Us Patent Number 5,835,911 relates to update and maintain the software at request of the users and with which the users obtain a lot of software from plural software vendors over the network and can use the latest versions of the software over the network.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2172

Conclusion

7. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: *After Final* (703) 746-7238, *Official* (703) 746-7239, and *Non-Official* (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "***DRAFT***".


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

March 7, 2002

JB F/


JEAN M. CORRIELUS
PRIMARY EXAMINER